

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Ariana Burton,

Plaintiff(s),

vs.

Dr. Chidiogo Nwokike

Defendant(s).

2:24-cv-00783-MDC

Order

Pro se plaintiff Ariana Burton filed a *Motion For An Appointment Of Counsel* (“Motion”). ECF No. 1. Plaintiff has not, however, filed a complaint, paid the filing fee, or filed an application to proceed *informa pauperis* (“IFP”).

Under 28 U.S.C. § 1914(a), a filing fee is required to commence a civil action in federal court. Under 28 U.S.C. § 1915(a)(1), a plaintiff may bring a civil action “without prepayment of fees or security thereof” if the plaintiff submits a financial affidavit that demonstrates the plaintiff “is unable to pay such fees or give security therefor.”

The Court finds that plaintiff’s Motion is premature. Plaintiff has not yet initiated this action as she has not paid the filing fee or filed an IFP application. Since plaintiff has not filed a complaint, the Court is unable to analyze plaintiff’s Motion or otherwise determine if she qualifies for pro bono counsel. The Court also notes that plaintiff is no stranger to filing cases in this Court, as she recently filed multiple cases, at least one of which has been dismissed for failure to state a claim.

IT IS SO ORDERED that:

1. Plaintiff’s Motion (ECF No. 1) is DENIED without prejudice, with leave to refile, as premature. Plaintiff may renew her motion after she has (1) paid the filing fee or filed an IFP application and (2) filed a complaint.
2. Plaintiff has until **Monday, June 24, 2024**, to pay the filing fee in full or file an IFP

1 application.

2 3. Failure to comply with this order may result in dismissal of this case.

3 4. Plaintiff is CAUTIONED that if she persists in filing lawsuits that fail to state a claim, it may
4 result in sanctions, including but not limited to being declared a vexatious litigant.

5
6 **NOTICE**

7 Pursuant to LR IA 3-1, the plaintiff must immediately file written notification with the Court of
8 any change of address. The notification must include proof of service upon each opposing party's
9 attorney, or upon the opposing party if the party is unrepresented by counsel. Failure to comply with this
10 order may result in dismissal of this case.

11 It is so ordered.

12 Dated this 24th day of May 2024.

13
14 
15 _____
16 Hon. Maximiliano D. Couvillier III
17 United States Magistrate Judge
18
19
20
21
22
23
24
25